

01-0-0995

A SUBSTITUTE ORDINANCE
BY COMMUNITY DEVELOPMENT / HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO ADOPT THE "CITY OF ATLANTA PUBLIC ART MASTER PLAN" AND TO AMEND (PART 1 CHARTER AND RELATED LAWS, SUBPART A, APPENDIX IV, SECTION 33, CHAPTER 110, ARTICLE II, SECTION 110.38, CHAPTER 46 ARTICLE III SECTIONS 46-76, 46-77, 46-78, 46-79, 46-80, 46-81, 46-82 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ADOPT AND IMPLEMENT THE RECOMMENDATIONS OF SAID REPORT; TO ESTABLISH A PUBLIC ART ORGANIZATIONAL STRUCTURE; TO ESTABLISH A GIFT POLICY AND A DEACCESSIONING POLICY FOR PUBLIC WORKS OF ART; TO INCREASE THE 1% FOR ART TO 1.5%; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, the City of Atlanta commissioned a comprehensive Public Art Master Plan in 1994 to assess the current status of public art in Atlanta and to guide Atlanta's future art initiatives through the 1996 Olympic Games, and

WHEREAS, in April of 1999 a task force was convened to review and update the initial Public Art Master Plan to determine how the plan would meet the needs of a growing Atlanta, and

WHEREAS, a number of recommendations to strengthen the existing plan were identified with public participation and a revised Public Art Master Plan followed in 2001, and

WHEREAS, the Bureau of Cultural Affairs has submitted a comprehensive report entitled "City of Atlanta Public Art Master Plan" (hereafter, Plan) to develop a new approach to public art in Atlanta, building on the strengths of the existing ordinance, the initial plan commissioned by the Project for Public Spaces, Inc. and the recommendations from the Public Art Master Plan task force, setting forth a series of policy measures, processes and procedures that will enable the City to fulfill its public art objectives, and

WHEREAS, the Public Art Master Plan calls for the establishment of a Public Art Advisory Committee to assist the Bureau of Cultural Affairs and the Department of Aviation's Airport program in defining the direction of public art in Atlanta, and

WHEREAS, the Public Art Master Plan has identified the need for standardized procedures for careful review process regarding the acceptance of gifts of public art, including review of artistic merit, site appropriateness, city liability, and cost of maintenance, as well as policy for the de-accessioning of public art, and

WHEREAS, the city of Atlanta's Public Art programs will be enhanced by the ability to implement public art projects through the use of pooled funds, the use of temporary installations and project-specific works of public art, and

WHEREAS, the many works of art in need of restoration and/or maintenance will benefit from a recommended increase of .5% to be allocated into a maintenance and conservation program for works of public art, and

WHEREAS, the Mayor has reviewed the Plan and recommend that the Council adopt said Plan; and

WHEREAS, the adoption of the Plan and the implementation of the Plan's recommendations require amendments to existing ordinances governing public art in Atlanta,

NOW BE IT HEREBY ORDAINED BY THE COUCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: The Council hereby adopts the "City of Atlanta Public Art Master Plan", a copy of which is attached to this ordinance, as a guide for the development and implementation of a comprehensive approach to public art in the City of Atlanta, and authorizes the Bureau of Cultural Affairs and the Department of Aviation to implement the policies and programs substantially in the form contained therein, including but not limited to:

- (1) An increase in the percent for art ordinance to 1.5%;
- (2) Establishment of a Public Art Advisory Committee (PAAC) to act as an ongoing advisory group to the City's public art programs. Appointed citizens of an approximately nine-member advisory committee selected by the Bureau of Cultural Affairs, will review gifts of public art and commissions, and advise on the overall public art plan. Members will serve two-year terms either consecutive or nonconsecutive.
- (3) Establishment of a formal Gift Policy and a formal De-accessioning Policy;
- (4) Reservation of twenty (20) percent of all percent for art funds for the purpose of funding maintenance and program administration for the purpose of documentation and conservation of art works, community outreach and public education, developing an annual municipal arts plan for the review and approval of city council, fund development, managing the public art program, organizing and maintaining a Public Art Idea Bank, and other duties as recommended in the Public Art Master Plan.

SECTION 2. , that Part 1 Charter and Related Laws, Subpart A, Appendix IV, Section 33 and Chapter 110, Article II, Section 110.38, "functions and duties of the Bureau of Cultural Affairs" is hereby amended by adding a new subsection (7) as follows:

(7) Developing policies and procedures to implement the Public Art Master Plan

SECTION 3. Chapter 46, Article III Sec. 46-77, "Works of Art in Public Places; policy" hereby amended by adding the following sentence:

The City of Atlanta Public Art Master Plan shall guide the development, administration and maintenance of public art in Atlanta.

SECTION 4. Chapter 46, Article III Sec.46-76, “Same; definitions” is hereby amended as follows:

- (a) *Construction project means any capital project, including but not limited to those paid wholly or in part by the city with voter non school general obligation bonds, annual general obligation non school bonds, public grants except where prohibited, park improvement funds, revenue bonds and general funds, for the purpose of constructing or remodeling any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the City of Atlanta.*
- (b) *Eligible funds means funds which pay for actual construction costs. This excludes funds which pay for engineering, architecture, acquisition, land acquisition and interest costs, as well as any incidental costs not associated with construction. Further, it refers only to that portion of public funds, which come from sources other than general obligation school bonds, private grants (except where expressly stated in the conditions of the grant itself) and assessment programs.*
- (c) *Municipal art account means the account within each eligible fund in which one and one half percent (1.5%) of all eligible funds for construction projects are deposited each year, and of which 80% shall be expended on the selection, design and development of works of public art, and 20% reserved for maintenance of works of public art and arts administration by the Bureau of Cultural Affairs (BCA). BCA shall be the administrator of all municipal arts accounts and have sole expenditure authority on said accounts.*
- (d) *Municipal art plan means an annual plan developed and administered by the Bureau of Cultural Affairs for the aesthetic enhancement of all capital construction projects paid for by eligible funds in a particular year.*

SECTION 5, Chapter 46, Article III Sec. 46-78, “Same; funds for works of art” is hereby amended as follow:

All request for appropriations for construction projects from eligible funds as defined in Section 46-76 shall include the encumbrance of an amount equal to one and one-half (1.5) percent of the estimated cost of such projects for public works of art and shall be accompanied by contractual requirements authorizing the Bureau of Cultural Affairs to expend such funds after the same have been deposited in a municipal arts account. When any such request for construction projects is approved, the appropriation for such construction projects shall be made and shall include an appropriation of funds for works of art, at the rate of one and one-half (1.5) percent of project costs to be deposited into the municipal arts account as a line item in each fund. Money identified by each bureau, or agency for its public art percentage program shall be expended for payees as prescribed by the municipal arts plan, as provided in section 46-79(2).

SECTION 6. Chapter 46, Article III Sec. 46-79, “Same; Authority of the Bureau of Cultural Affairs” is hereby deleted in its entirety and substituted therefore by the following:

- (1) *Prepare for review by the Mayor and Council, a municipal arts plan which shall outline the expenditure of funds from the municipal arts account(s). Such plan shall include, but not be limited to, the methods(s) of commissioning artists, specific locations and expenditures for specific works of art, and maintenance and administration of the public arts program;*
- (2) *Cause the municipal arts plan to be an integral part of the office’s recommendations with regard to the city’s comprehensive development plan and the capital improvement plan;*

- (3) Bring to the attention of the city council any proposed work of art requiring extraordinary operation or maintenance expenses;
- (4) Recommend the placement of works of art consistent with section 46-81;
- (5) Make recommendations on artist(s) selections without regard to race, color, creed, sex or sexual orientation with equal opportunity to all; for the purpose of this section, "sexual orientation" shall mean the state of being heterosexual, homosexual or bisexual;
- (6) Make recommendations to the council as to the amount of money required in advance to carry out contracted projects by artist(s); the amount advanced shall not exceed one third of the total allocable to such artist(s) for the contracted work of art and shall be approved by the council and mayor prior to payment; and
- (7) Review prior to final payment all works in order to report on the conformity of the finished work with the approved plans or other document describing the work of art to be carried out.
- (8) *Approve all expenditures from municipal arts accounts of which eighty (80) percent shall be expended on the design, selection and development of works of public art, and twenty (20) percent shall be expended on maintenance and administration of the public art program.*
- (9) *Develop procedures for implementation of the policy governing the acceptance of gifts of public art to the City and the policy governing the process for the de-accessioning of public art.*
- (10) *Establish guidelines for and recommend the appointment of a Public Art Advisory Committee comprised of representatives from the business community, the arts community and the citizens of Atlanta, to advise and assist the Bureau of Cultural Affairs on matters regarding the implementation of public art policies for Atlanta.*
- (11) *Review and approve all capital construction projects for compliance with the percent for art section of the Code of ordinances, and determine if said per-cent for art funds shall be utilized on or about a specific project, or pooled with other funds for larger public arts projects located within the city of Atlanta, with the assistance of the Public Art Advisory Committee.*

SECTION 7. Chapter 46, Article III Sec. 46-81, "Same; Account and payments" is hereby amended as follows:

There is established a special account within each eligible fund designated the "municipal arts account into which funds are appropriated as contemplated by section 46-78 and 46-79 hereof shall be deposited. Each disbursement from such account (s) or from other appropriations for works of arts shall be approved by the Bureau of Cultural Affairs, as authorized by the city council. Twenty per-cent (20%) of each municipal arts account shall be reserved for the administration and maintenance of works of public art by the Bureau of Cultural Affairs.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.